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Filing date: **01/23/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055279
Party	Defendant Christina Sukljian
Correspondence Address	CHRISTINA SUKLJIAN 13 MANOR STREET ALBANY, NY 12207 UNITED STATES info@zela.com
Submission	Motion to Compel Discovery
Filer's Name	Christina Sukljian
Filer's e-mail	info@zela.com
Signature	/Christina Sukljian/
Date	01/23/2013
Attachments	Respondent's Motion to Compel Petitioner Cancellation 92055279.pdf (51 pages) (465366 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Registration No. 2898544
Mark: GAGA PURE PLATINUM

-----X

CHRISTINA SUKLJIAN,	:	
	:	
Opposer,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	

ATE MY HEART, INC.,	:	
	:	
Petitioner,	:	Cancellation No. 92055279
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	

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**MOTION TO COMPEL PETITIONER TO: (A) PROVIDE ANSWERS
TO RESPONDENT'S FIRST SET OF INTERROGATORIES AND
(B) PRODUCE DOCUMENTS IN RESPONSE TO
RESPONDENT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Respondent Christina Sukljian, in accordance with Rule 523 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), 37 CFR §2.120(e), submits this motion for an order compelling Petitioner Ate My Heart Inc. to:

1. Provide verified answers to Christina Sukljian's First Set of Interrogatories to Petitioner, which were served on December 5, 2012 by USPS Priority Mail ("Interrogatories"), a copy of which is annexed hereto as Exhibit A;

2. Produce documents in response to Christina Sukljian's First Request for the Production of Documents to Petitioner, which were served on December 5, 2012 by USPS Priority Mail ("Document Requests"), a copy of which is annexed hereto as Exhibit B. (The aforementioned Interrogatories and Document Requests are collectively referred to herein as the "Discovery Requests").

PRELIMINARY STATEMENT

Petitioner has failed to produce any responses to Respondent's Discovery Requests. Petitioner has ignored Respondent's Discovery Requests even though Respondent made every possible good faith effort to resolve this discovery dispute and allowed Petitioner an additional two weeks to respond without motion practice. Petitioner gave no assurance whatsoever, neither through telephone, email or written letter communication that it would ever respond to the Discovery Requests. Petitioner is shirking its obligations under the TBMP and the Federal Rules of Civil Procedure by failing to respond to Christina Sukljian's Discovery Requests served in connection with the Petition to Cancel. Petitioner's obvious refusal to respond to Respondent's Discovery Requests has made this Motion necessary. Thus, in accordance with TBMP §523.02 and 37 CFR §2.120(e), Christina Sukljian respectfully requests that its Motion to Compel be granted in its entirety.

STATEMENT OF FACTS

Christina Sukljian and her GAGA PURE PLATINUM® Trademark

GAGA PURE PLATINUM® is a continuously and continually used federally registered trademark, used in commerce up to present date, U.S. Registration No. 2898544 in International Class 003, invented and created in the year 2000, filed for registration on August 22, 2001 and registered on November 2, 2004 with a date of first use in commerce of June 7, 2001, owned by the internationally

recognized cosmetics and beauty industry maven and second generation cosmetics purveyor, Christina Sukljian p/k/a Cristina Samuels and is valid and in full force and effect and has become incontestable under Section 15 of the Lanham Act. A true and correct copy of the USPTO Certificate of Registration and the USPTO Notice of Acceptance and Acknowledgement of Sections 8 & 15 of the Trademark Act is annexed hereto as Exhibit C. Christina Sukljian p/k/a Cristina Samuels has more than 17 years of experience in the cosmetics industry with a broad background in product development, marketing and sales. Before joining Zela International formally in 1995 she honed her skills and was educated in all facets of the cosmetics industry in her family cosmetics company, Zela International. In 1996 she joined the marketing team and developed and implemented innovative product packaging and marketing programs to increase the company's sales and profits for various color cosmetics lines including Mode Couleurs and Little Gems. Under her leadership she created Mode, a natural color cosmetics line which pioneered the use of natural ingredients with fashion forward style, the first concept of its kind in the industry.

In 2000 Christina Sukljian p/k/a Cristina Samuels spearheaded the creation of GAGA PURE PLATINUM®, an avant-garde cosmetics brand. Named after her brother's childhood nickname Gaga, GAGA PURE PLATINUM® combined fashion, style and art with passion for color. Christina Sukljian p/k/a Cristina Samuels has achieved prominence and accolades in the global cosmetics industry and has gained the attention of leading journalists and beauty editors of both consumer and industry magazines, including *Allure*, *GCI*, *Drug Store News*, and *WWD*, beauty & fashion websites and bloggers, including *Bella Sugar*, media appearances, and her efforts have been recognized by Diane Sawyer's *Made In America* series. She has been lauded for her fresh perspective in the beauty industry and as a result of her efforts and achievements she has garnered the distinct honor and recognition of *GCI*® magazine (*Global Cosmetic Industry* magazine) as being selected as 1 of '20 To Know' in the global cosmetics industry and as a member of the magazine's advisory board. *GCI*® magazine has stated, "*Cristina Samuels epitomizes the strengths of the beauty industry – continuity and tradition propelled by innovation and evolution.*"

GAGA PURE PLATINUM®'s originality and uniqueness of the coined and invented mark, invented by Christina Sukljan p/k/a Cristina Samuels establishes it as a commercial brand name and as a result GAGA PURE PLATINUM® is uniquely associated with Christina Sukljan p/k/a Cristina Samuels. GAGA PURE PLATINUM® has continuously used the GAGA PURE PLATINUM® mark in interstate commerce on or in connection with the goods and services covered by the respective registration, namely cosmetics in international class 3, since the date of first used alleged therein. As a result of the unique association of the GAGA mark to the GAGA PURE PLATINUM® brand, Petitioner's effort's to register applied for marks, Lady Gaga and Lady Gaga Fame have been both denied by the USPTO due to likelihood of confusion with GAGA PURE PLATINUM®. Christina Sukljan p/k/a Cristina Samuels is vigilant in policing her GAGA PURE PLATINUM® Trademark and is resolute in the pursuit of infringers of her intellectual property and those who attempt to trade off and dilute the distinctiveness associated with the GAGA PURE PLATINUM® brand.

Petitioner's Self Admitted Harassing, Fraudulent and Vexatious Petition to Cancel Proceeding

On March 5, 2012 Petitioner Ate My Heart, Inc. filed a harassing Petition to Cancel a valid and active U.S. Registered Trademark, GAGA PURE PLATINUM® as a retaliatory, frivolous, fraudulent and vexatious action because Respondent exercised her rights to police and protect her U.S. Registered trademark. Respondent has filed Letters of Protest against Lady Gaga, Lady Gaga Fame, and Haus of Gaga, filed an extension of time to oppose application no. 85215017, and ultimately filed a Notice Of Opposition against Ate My Heart, Inc. for the applied for mark, Haus of Gaga, Opposition No. 91205046 for which, by order of the Board dated February 29, 2012, Christina Sukljan, owner of the registered trademark GAGA PURE PLATINUM®, was allowed until May 2, 2012 in which to oppose the above-reference application. The GAGA PURE PLATINUM®, registered trademark is not abandoned, has never been abandoned, is in continual use and is valid and in full force and effect and has become incontestable under Section 15 of the Lanham Act. GAGA PURE PLATINUM's® cosmetics goods,

purchasing information, advertising, websites, e-commerce sites, including www.GagaPurePlatinum.com and www.Zela.com which has been available as early as 1999, etc., have been and are available to the worldwide public at large to access. Petitioner ignored readily available public information. Having full knowledge of these facts and undeniable evidence of use by Respondent, Petitioner, in its blatant and arrogant attempt to manipulate, harass and vex the Respondent, has deliberately filed a Petition to Cancel with the Board in its efforts to stymie Christina Sukljian's Opposition No. 91205046 and manipulate the Board with a retaliatory, frivolous petition and thereby wasting the valuable time and resources of both the Board and Respondent.

Therefore, on August 14, 2012, Petitioner's attorneys stated and admitted to Respondent on the telephone that had she not actively monitored, policed and protected her trademark by filing an extension of time to oppose application no. 85215017 on February 1, 2012, and ultimately the Notice of Opposition No. 91205046 filed on May 2, 2012, as is Respondent's right and obligation to do so, Petitioner would not have filed a Petition to Cancel in retaliation which was filed over a month later on March 5, 2012. Petitioner cannot obtain a trademark registration in class 3 for its applied for marks HAUS OF GAGA, LADY GAGA and LADY GAGA FAME because Respondent already exists long prior to Petitioner's existence and stands in its way. GAGA PURE PLATINUM® has had valid trademark use for more than 12 years, and Petitioner filed a deliberate, harassing, frivolous, fraudulent and vexatious Petition to Cancel in order activate a cancellation proceeding before the Board due to the fact that Respondent filed a Notice Of Opposition No. 91205046 to prevent the registration of a mark that infringes on the intellectual property rights of the Respondent.

On August 29, 2012 Petitioner's harassing demands to Respondent to relinquish all legal and intellectual rights owned by Respondent including the GAGA PURE PLATINUM Trademark® and all intellectual property associated with the trademark were directed to the Respondent in Petitioner's harassing attempt to further their manipulative efforts in gaining a registration with the USPTO. Respondent rejected Petitioner's demands via written letter.

On June 26, 2012 Petitioner stated false and defamatory statements to the public at large, via a public statement sent to columnist Michael Musto and published on The Village Voice's La Daily Musto blog, http://blogs.villagevoice.com/dailymusto/2012/06/lady_gaga_accus.php, and stated as follows: *"Lady Gaga and her companies respect intellectual property and would never infringe on anyone's rights. But this particular trademark hasn't been used in what appears to be years. In fact, Lady Gaga's counsel tried several times to speak to the original owners about their alleged use of their mark in an effort to find a way to amicably coexist. There was never a response."* Petitioner falsely stated to the public at large in a defamatory manner to harm the reputation and business of Respondent and the GAGA PURE PLATINUM® brand by falsely stating to the public at large that Respondent's trademark, GAGA PURE PLATINUM® is not being used and falsely stating to the public at large that the Petitioner contacted the Respondent numerous times in an effort to coexist. To prevent further falsities, Respondent released the following statement of facts to Michael Musto at The Village Voice Blog: *"The Gaga Pure Platinum trademark has been and continues to be in use. Lady Gaga's counsel never contacted Gaga Pure Platinum nor did we ever receive any communication from Lady Gaga nor it's representatives. No effort to communicate was ever made, only a court action."* It is a fact that Petitioner never communicated with Respondent as they stated publicly prior to Petitioner's court action, Petition to Cancel No. 92055279 filed on March 5, 2012.

On June 28, 2012 Petitioner's attorneys stated and admitted to Respondent on the telephone that they 'sent someone' to Respondent's offices with no further particulars as to whom, when or the reason for 'sending someone' nor any further elaboration as to the meaning of their statement and therefore could only be implied as a threatening form of harassment, intimidation and stalking in nature that compromises the safety of Respondent.

Petitioner's Refusal to Provide Any Discovery

On December 5, 2012, in this Cancellation Action, Christina Sukljian served its Interrogatories and Document Requests upon Petitioner. Accordingly, Petitioner's responses were due by January 9, 2013, which includes five extra days for delivery of service. No response whatsoever was received. Petitioner is well aware of its obligations under the TTAB and Federal Rules to respond to Christina Sukljian's Discovery Requests, but Petitioner Ate My Heart, Inc. continues to evade discovery. Respondent has allowed an additional two weeks for Petitioner to respond without motion practice. Petitioner Ate My Heart, Inc has given no assurance whatsoever, neither through telephone, email or written letter communication that it would ever respond to Respondent's Discovery Requests. Petitioner's responses to Christina Sukljian's Interrogatories and Document Requests are essential to determining how Petitioner has actually been using, intends on using, or has ever in fact used or even intends to use its applied for mark since the date it averred in Petitioner's Application and to determine the extent of which Petitioner has and continues to infringe on Respondent's intellectual property. Petitioner should be compelled to provide Christina Sukljian with verified responses to its Interrogatories and responses to its Document Requests.

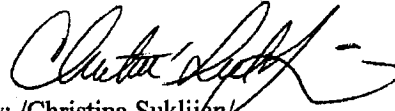
* * * * *

WHEREFORE, for the reasons set forth herein, Christina Sukljian's motion to compel should be granted in its entirety and Petitioner should be compelled to: (a) provide verified answers to Christina Sukljian's Interrogatories, and (b) produce documents in response to Christina Sukljian's Document Requests.

In light of the fact that Petitioner has completely stymied Christina Sukljian's efforts to obtain discovery in this matter, we ask that the Board *suspend* this proceeding pending resolution of this motion to compel.

Dated: Albany, New York
January 23, 2013

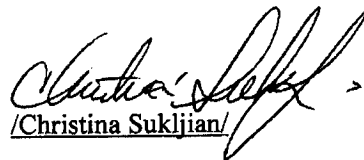
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Christina Sukljan', with a stylized flourish at the end.

By: /Christina Sukljan/
Christina Sukljan
Respondent
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **MOTION TO COMPEL PETITIONER TO: (A) PROVIDE ANSWERS TO RESPONDENT'S FIRST SET OF INTERROGATORIES AND (B) PRODUCE DOCUMENTS IN RESPONSE TO RESPONDENT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS** has been served on Ate My Heart, Inc. by mailing said copy on January 23, 2013 via The United States Postal Service Priority Mail with Signature Confirmation in a USPS Priority Mail Envelope postage prepaid to: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

By:  /Christina Sukljan/

Christina Sukljan

13 Manor Street

Albany, NY 12207

Date of Deposit: January 23, 2013
USPS Priority Mail

CERTIFICATE OF MAILING THROUGH ESTTA

I, Christina Sukljan, hereby certify that this **MOTION TO COMPEL PETITIONER TO: (A) PROVIDE ANSWERS TO RESPONDENT'S FIRST SET OF INTERROGATORIES AND (B) PRODUCE DOCUMENTS IN RESPONSE TO RESPONDENT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS** is being filed electronically through ESTTA with The Trademark Trial And Appeal Board, United States Patent And Trademark Office, Alexandria, VA 22313-1451 on the date indicated below.

Date of Deposit: January 23, 2013


Signed: /Christina Sukljan/

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S Registration No. 2898544
Mark: GAGA PURE PLATINUM

-----X		
	:	
Ate My Heart, Inc.,	:	Cancelation No. 92055279
	:	
Plaintiff,	:	
	:	
v.	:	
Christina Sukljian	:	
	:	
Defendant	:	
-----X		

DEFENDANT'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

Pursuant to Trademark Rule of Practice 2.120 and Federal Rules of Civil Procedure 26 and 33, Defendant Christina Sukljian, hereby requests that Plaintiff, Ate My Heart Inc., answer the following interrogatories fully and under oath and produce the documents specified therein that are in its possession, custody or control for inspection and copying at the offices of Christina Sukljian, 13 Manor Street, Albany, New York 12207, within thirty (30) days of the date of service hereof.

DEFINITIONS

- A. The term "Plaintiff" refers to Ate My Heart, Inc. and any and all companies, employees, partners, affiliates, agents, assigns, representatives, attorneys or other persons or entities acting on her behalf or under their control, whether in the past or the present.
- B. The term "Defendant" refers to Christina Sukljian.

C. The term "Plaintiff's Goods" refers to each of the items set forth in Plaintiff's Application Serial No. 85215017 for the applied for mark HAUS OF GAGA, Application Serial No. 85115004 for the applied for mark LADY GAGA and Application Serial No. 85282752 for the applied for mark LADY GAGA FAME.

D. The term "Plaintiff's Marks" refers to the applied for marks HAUS OF GAGA as set forth in Plaintiff's Application Serial No. 85215017, the applied for mark LADY GAGA as set forth in Plaintiff's Application Serial No. 85115004, and the applied for mark LADY GAGA FAME as set forth in Plaintiff's Application Serial No. 85282752.

E. The term "Applications" refers to Plaintiff's Applications Serial No's. 85215017, 85115004, and 85282752.

F. The term "Action" refers to the instant Petition to Cancel proceeding brought by Plaintiff against Defendant's U.S. Registered Trademark before the Trademark Trial and Appeal Board (Action No. 92055279).

G. The term "Defendant's Mark" refers to the federally registered trademark GAGA PURE PLATINUM®.

H. The term "Registration" refers to the Defendant's U.S Registration No. 2898544 for the registered trademark GAGA PURE PLATINUM®.

I. The term "Identify" when used in reference to: (a) a natural person, means to provide that person's name, address, telephone number, place of employment and/or occupation, job title, and business address and telephone number; and (b) a corporation, means to list the state of incorporation, address, telephone number, and the names of all officers and directors with whom you have dealt in connection with the matters raised by the Complaint and Answer.

J. Unless specifically stated otherwise, the term "document" has the broadest meaning accorded to it and includes all written, typewritten, printed or recorded matter (however produced or reproduced or stored) of every kind and description in the actual or constructive possession, custody, care or control of any party or agent of the party called upon to produce documents pursuant to these requests, including, but not limited to, the following: notes; communications; electronic mail communications; e-mails, facsimile transmissions; memoranda; reports; letters; sound recordings; albums; compact discs; tapes (audio, video, computer and/or other); bank statements and checks; agreements; contracts; transcripts or notes of conversations or meetings; minutes of meetings (with any attachments referenced therein); statements; resolutions; directives; reports; employment, payroll and/or salary records; deposition and trial transcripts; papers filed in court and/or arbitral forums; and legal instruments. The term "document" shall include both drafts and final versions, whether executed or not. Each copy of a document which contains any separate notations or writings thereon shall be deemed to be a separate document for purposes of these requests.

K. The term "concerning" means referring to, alluding to, relating to, connected with, supporting, commenting on, in respect of, about, regarding, discussing, showing, describing, mentioning, analyzing, reflecting and/or constituting.

L. The term "communication" means the transmittal of information in the form of facts, items, inquiries, opinions or otherwise.

M. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of each request all responses that might otherwise be construed to be outside its scope.

N. The term "all" shall include "each" and "any," and the terms "each" and "any" shall include "all."

O. Reference in the singular shall include the plural, and reference to the plural shall include the singular.

INSTRUCTIONS

1. In responding to these interrogatories, you are required to furnish all information available to you and any of your representatives, employees, agents, investigators or attorneys and to obtain and furnish all information that is in your possession, custody or control or in the possession, custody or control of any of your representatives, employees, agents, investigators or attorneys. If your response is that the requested information is not within your possession or custody, please: (a) describe in detail the unsuccessful efforts you made to obtain such information; and (b) identify who has control and the location of the information.

2. If any of these interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for the inability to answer the remainder and stating whatever information, knowledge or belief you have concerning the unanswered portion.

3. If any interrogatory is not fully answered on the grounds of a claim of privilege, support for the claim of privilege must be provided, including identification of the persons present each time the information responsive to the interrogatory was discussed, a description of the information sufficient to allow the claim of privilege to be evaluated, and the basis for the claimed privilege.

4. These interrogatories shall be deemed continuing, so as to require additional responses if further information responsive to these interrogatories is obtained after the time the

responses are served. Such additional responses shall be served from time to time, but not later than twenty (20) days after such information is received.

5. Each objection to these interrogatories shall state with specificity the grounds for such objection, and the failure to specify the grounds for each objection within the time provided by the Federal Rules of Civil Procedure shall render the objection waived.

6. If any Document that would be responsive to a discovery request has been lost, discarded or destroyed, identify the Document as completely as possible, providing as much of the following information as possible: (a) the type of Document; (b) a description of the Document; (c) the approximate date it was lost, discarded or destroyed; (d) the circumstances and manner in which it was lost, discarded or destroyed; (e) the reason(s) for disposing of or discarding the Document; (f) the identity of the person who lost, discarded or destroyed the Document; (g) the identity of any person authorizing or having knowledge of the circumstances surrounding losing, discarding or destroying the Document; and (h) the identity of any person having knowledge of its contents. In addition, identify any Document reflecting any of the information sought above.

7. If Plaintiff has no information about the subject of a particular interrogatory, or if for some reason Plaintiff is unable to answer the interrogatory, the response to that interrogatory should specifically so state, and no interrogatory should be without some response. If Plaintiff has some information now available that would be responsive, it should provide the information it now has and should specifically state when the balance of the information will be provided. The fact that a full answer cannot be given is not a basis for Plaintiff to fail to provide such information as is available at the time of the response to these interrogatories.

8. Pursuant to Federal Rule of Civil Procedure 33(d), in lieu of describing or identifying a document, Plaintiff may produce a copy of that document and identify the interrogatory to which it is furnished in response.

INTERROGATORIES

1. Identify all customers of Plaintiff's Goods sold in connection with Plaintiff's Applied for Marks, LADY GAGA, LADY GAGA FAME and HAUS OF GAGA each year from alleged first date use in commerce, 2010, broken out by year and Goods stated on each application.

2. Identify persons having knowledge or information concerning any of the facts Plaintiff's relied on in its Answer or otherwise at issue in this Action, and describe, with respect to each such person: (a) the information that each such person possesses; and (b) his/her relationship to the parties to this action.

3. Specify the amount of (a) sales; (b) revenues; (c) profits; and (d) advertising and promotional expenditures for all of Plaintiff's Goods sold that bear Plaintiff's Marks that have been by Plaintiff in the United States each year from the first date alleged in the Applications to present broken out by year and Goods.

4. Describe in detail the actual use of Plaintiff's Marks on Plaintiff's Goods by identifying each type of item that bears Plaintiff's Marks and identifying the manner in which Plaintiff's Marks are affixed to or used in connection with each such item as listed and stated under oath and alleged under goods and services on the applications for LADY GAGA, LADY GAGA FAME and HAUS OF GAGA.

5. Identify the date of first use in the United States of Plaintiff's Marks on each item identified in the Applications.

6. For each of Plaintiff's Goods bearing or offered in connection with Plaintiff's Mark in the United States, please state the following:

- (a) Plaintiff's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;
- (b) Plaintiff's targeted consumer group and/or targeted demographics;
- (c) The price points at which Plaintiff's Goods bearing Plaintiff's Marks are sold to consumers; and
- (d) The amount of money Plaintiff has earmarked or dedicated to the manufacture and, separately, the promotion of the Plaintiff's Goods bearing Plaintiff's Mark for 2012.

7. For each type of item identified in response to Interrogatory No. 7 above, state Plaintiff's annual volume of business in the United States by identifying the annual volume of sales in units and dollars from the date of first sale(s) to the date of Plaintiff's response.

8. Identify any and all persons Plaintiff has authorized, licensed or otherwise granted the right to use Plaintiff's Marks in commerce in connection with Plaintiff's Goods. For each person identified, identify the date of commencement and termination of each such authorization, license or grant, and identify any written license agreements or franchise agreements granting rights to use Plaintiff's Marks.

9. Identify all cease and desist demand letters and responses thereto, litigations, trademark actions or proceedings, ICANN proceedings and/or other challenges concerning Plaintiff's Marks in any way. When responding to this interrogatory, include: (a) the dates of

such challenge; (b) the third-party mark involved; (c) the adversarial party; and (d) the outcome of each challenge.

10. Identify all of Plaintiff's market competitors for Plaintiff's Goods and state why Plaintiff believes that each identified entity is a competitor.

11. Identify the total number of sales of all Plaintiff's Goods bearing Plaintiff's Marks each year from alleged first use in commerce to the present and identify projected sales for each and every one of Plaintiff's alleged intent to use Goods listed as stated on applications.

12. Identify the first date that Plaintiff's began selling all of Plaintiff's alleged Goods on Ladygaga.com, hausofgaga.com, ladygagafame.com, and any other website or retailer.

13. Identify the registration date of Plaintiff's Facebook account for LADY GAGA, HAUS OF GAGA, LADY GAGA FAME, and ATE MY HEART.

14. Identify and describe the relationship between Plaintiff, and any and all other companies, individuals, partners, affiliates, advisors, consultants, attorneys, entities, subsidiaries, officers, agents, licensees, parent companies, employees, managers, promoters, manufacturers, distributors, wholesalers, retailers, resellers, franchisees, or other persons or entities acting on Plaintiff's behalf or under its control associated with the LADY GAGA, HAUS OF GAGA, and LADY GAGA FAME applied for marks.

15. Identify each item sold by or on behalf of Plaintiff since alleged first date use, 2010, that bears Plaintiff's Marks.

16. Identify all web designers and developers and persons affiliated with use and registration of the domain name ladygaga.com, hausofgaga.com, ladygagafame.com, atemyheart.com or any other domain name affiliated with Plaintiff.

17. Identify all distributors for Plaintiff's Marks sold under Plaintiff's Goods each year from 2010 to the present.

18. Identify all retailers and wholesalers for Plaintiff's Marks sold under Plaintiff's Goods each year from 2010 to the present.

19. If you believe that the Defendant's Trademark is confusingly similar to Plaintiff's Marks, set forth the basis for your belief.

20. Identify all persons who provided information or otherwise assisted in responding to these Interrogatories and specify the Interrogatories for which each such person provided information or other assistance.

21. Identify all documents or things that you relied on in responding to these Interrogatories.

Dated: December 5, 2012

Christina Sukljian

By: 

Defendant
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT'S FIRST SET OF INTERROGATORIES has been served on Ate My Heart, Inc. by mailing said copy on December 5, 2012 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Plaintiff at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

Date of Deposit: December 5, 2012
USPS Priority Mail

Christina Sukljian

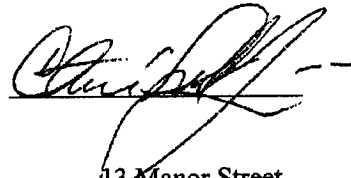

13 Manor Street
Albany, NY 12207

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S Registration No. 2898544
Mark: GAGA PURE PLATINUM

-----X		
Ate My Heart, Inc.,	:	
	:	
Plaintiff	:	Cancelation No. 92055279
	:	
v.	:	
	:	
Christina Sukljian,	:	
	:	
Defendant	:	
-----X		

DEFENDANT’S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Trademark Rule of Practice 2.120 and Federal Rules of Civil Procedure 26 and 33, Defendant Christina Sukljian, hereby requests that Plaintiff, Ate My Heart Inc., produce the documents specified therein that are in its possession, custody or control for inspection and copying at the offices of Christina Sukljian, 13 Manor Street, Albany, New York 12207, within thirty (30) days of the date of service hereof.

DEFINITIONS

A. The term "Plaintiff" refers to Ate My Heart, Inc. and any and all companies, employees, partners, affiliates, agents, assigns, representatives, attorneys or other persons or entities acting on her behalf or under their control, whether in the past or the present.

B. The term "Defendant" refers to Christina Sukljian.

C. The term "Plaintiff’s Goods" refers to each of the items set forth in Plaintiff’s

Application Serial No. 85215017 for the applied for mark HAUS OF GAGA, Application Serial

No. 85115004 for the applied for mark LADY GAGA and Application Serial No. 85282752 for the applied for mark LADY GAGA FAME.

D. The term "Plaintiff 's Marks" refers to the applied for marks HAUS OF GAGA as set forth in Plaintiff's Application Serial No. 85215017, the applied for mark LADY GAGA as set forth in Plaintiff's Application Serial No. 85115004, and the applied for mark LADY GAGA FAME as set forth in Plaintiff's Application Serial No. 85282752.

E. The term "Applications" refers to Plaintiff's Applications Serial No's. 85215017, 85115004, and 85282752.

F. The term "Action" refers to the instant cancelation proceeding brought by Plaintiff against Defendant's Federally Registered Trademark before the Trademark Trial and Appeal Board (Action No. 92055279).

G. The term "Defendant's Mark" refers to the federally registered mark GAGA PURE PLATINUM®.

H. The term "Registration" refers to the Defendant's U.S Registration No. 2898544 for the registered trademark GAGA PURE PLATINUM®.

I. "Person" means both natural persons or any business, legal or governmental entity or association. The acts and knowledge of a person are defined to include the acts and knowledge of that person's officers, agents, directors, employees, consultants, attorneys, representatives and any other person acting on its behalf.

J. "Communication" means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

K. "Document" is defined to be synonymous in meaning and equal in scope to the

usage of this term "documents or electronically stored information" in Fed. R. Civ. P. 34(a), including, without limitation, electronic or computerized data compilations. A draft or nonidentical copy is a separate document within the meaning of this term.

L. "Identify" with respect to persons means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.

M. "Identify" with respect to documents means to give, to the extent known, the type of document, general subject matter, date of document and author(s), addressee(s) and recipient(s).

N. "Concerning" means relating to, referring to, describing, evidencing or constituting.

O. The terms "any", "all" and "each" shall be construed as encompassing any and all.

P. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

Q. The use of the singular form of any word includes the plural and vice versa.

R. These requests shall be deemed to be continuing so as to require supplemental responses in accordance with Fed. R. Civ. P. 26(e).

S. Unless otherwise specified herewith, the time frame for each request is 2010 to present and the territory for each request in the United States.

T. If any Document that would be responsive to a discovery request has been lost, discarded or destroyed, identify the Document as completely as possible, providing as much of

the following information as possible: (a) the type of Document; (b) a description of the Document; (c) the approximate date it was lost, discarded or destroyed; (d) the circumstances and manner in which it was lost, discarded or destroyed; (e) the reason(s) for disposing of or discarding the Document; (f) the identity of the person who lost, discarded or destroyed the Document; (g) the identity of any person authorizing or having knowledge of the circumstances surrounding losing, discarding or destroying the Document; and (h) the identity of any person having knowledge of its contents. In addition, identify any Document reflecting any of the information sought above.

U. If Plaintiff withholds any document, in whole or in part, on the basis of privilege, provide in sufficient detail information which will permit Defendant to evaluate the claim of privilege. If the privilege is being asserted in connection with a claim or defense governed by state law, please indicate the state privilege rule being invoked.

DOCUMENT REQUESTS

1. All documents sufficient to show the gross annual revenues received by Plaintiff from the sales of Plaintiff's Goods in the United States sold under Plaintiff's Marks each year since Plaintiff's alleged first use of Plaintiff's Mark in 2010 and the same for all of Plaintiff's applied for intent-to-use marks.

2. All documents sufficient to identify the quantity of each of the Plaintiff's Goods sold under Plaintiff's Marks for each year in the United States since Plaintiff's alleged first use of Plaintiff's Mark in 2010 and the same for all of Plaintiff's applied for intent-to-use marks up to present date.

3. All documents and things sufficient to show the use of Plaintiff's Marks in

4.

connection with each of Plaintiff's Goods each year since Plaintiff's alleged date of first use in 2010 and the same for all of Plaintiff's applied for intent-to-use marks up to present date.

4. All documents concerning packaging for Plaintiff's Goods bearing Plaintiff's Marks and the same for all of Plaintiff's applied for intent-to-use marks.

5. All documents concerning any logos, color schemes or other distinctive identifiers for all Plaintiff's Goods and the same for all of Plaintiff's applied for intent-to-use goods.

6. All documents concerning use, intent-to-use, and actual use in commerce of all Plaintiff's Applied for Marks in 2010 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving

cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and

lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair

lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Plaintiff's Marks, including but not limited to purchase orders placed by Plaintiff, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Plaintiff's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

7. All documents concerning use, intent-to-use, and actual use in commerce of all Plaintiff's Applied for Marks in 2011 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage

oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de

perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat;

nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Plaintiff's Marks, including but not limited to purchase orders placed by Plaintiff, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Plaintiff's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

8. All documents concerning use, intent-to-use, and actual use in commerce of all Plaintiff's Applied for Marks in 2012 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes;

cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated

preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for

personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Plaintiff's Marks, including but not limited to purchase orders placed by Plaintiff, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Plaintiff's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

9. All invoices and purchase orders showing sales of each of the goods bearing Plaintiff's Marks each year since 2010 broken down by year.

10. All shipping documents for each of Plaintiff's Goods bearing Plaintiff's Marks each year since 2010 broken down by year.

11. All documents sufficient to identify all former, current or prospective direct customers of Plaintiff's Goods bearing Plaintiff's Marks from the first sale of said products, and all documents sent to or received from such direct customers.

12. All documents concerning the current inventory of all Plaintiff's Goods in Plaintiff's possession bearing Plaintiff's Marks in units and dollars, separated by type of good (e.g., fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning

preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists;

body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising

potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances, etc.).

13. All documents concerning Plaintiff's knowledge of the existence and/or activities of Defendant.

14. All documents sufficient to illustrate the date when the website associated with the domain names ladygaga.com, hausofgaga.com, ladygagafame.com and atemyheart.com were launched.

15. All documents, including but not limited to all contracts, licenses, agreements, with web developers for the website associated with the domain names ladygaga.com, hausofgaga.com, ladygagafame.com, and atemyheart.com.

16. All documents concerning the design and layout of the website associated with the domain names ladygaga.com, hausofgaga.com, ladygagafame.com and atemyheart.com

17. All documents concerning the websites ladygaga.com, hausofgaga.com, ladygagafame.com, and atemyheart.com.

18. All documents concerning the sale of products on ladygaga.com, hausofgaga.com, ladygagafame.com, and atemyheart.com.

19. All documents sufficient to show the relationship between Plaintiff and Stefani Germanotta and the phrase 'lady gaga' and past and present managers, and past and present licensors, and past and present licensees, and past and present agents, and past and present representatives, and past and present affiliates, and past and present subsidiaries, and past and

present partners, and past and present employees, and past and present advisors, and past and present attorneys, and past and present manufacturers, and past and present distributors, and past and present wholesalers, and past and present retailers, and past and present resellers, and past and present customers, and past and present promoters, and past and present publicists.

20. All documents concerning the sale of Plaintiff's Goods by but not limited to ladygaga.com, hausofgaga.com, ladygagafame.com, atemyheart.com, Stefani Germanotta, past and present managers, past and present licensors, past and present licensees, past and present agents, past present representatives, past and present affiliates, past and present subsidiaries, past and present partners, past and present employees, past and present advisors, past and present attorneys, past and present manufacturers, past and present distributors, past and present wholesalers, past and present retailers, past and present resellers, past and present customers, past and present promoters, past and present publicists.

21. All documents sufficient to show the registration date of the Facebook account for lady gaga, haus of gaga, lady gaga fame, and atemyheart.com.

22. All documents concerning any application Plaintiff filed with the USPTO in connection with Plaintiff's Marks.

23. All documents concerning Plaintiff's creation, selection or adoption of its Marks, including but not limited to any marketing studies, search reports, opinions, trademark or copyright registration searches, investigations or advice created for or rendered to Plaintiff.

24. All documents concerning Plaintiff's uses and/or intended uses for Plaintiff's Mark in the United States.

25. All documents concerning Plaintiff's first use of Plaintiff's Marks in commerce

including the date of first sale.

26. Samples of each of Plaintiff's Goods sold and offered for sale and alleged to be used in commerce and alleged intent-to-use under Plaintiff's Marks.

27. All documents sufficient to identify the target consumers for Plaintiff's Goods sold under Plaintiff's Marks, including but not limited to marketing studies, research reports, consumer correspondence, consumer surveys, opinions and investigations.

28. All documents concerning the creation, selection, manufacture and/or development of any of Plaintiff's Goods made under Plaintiff's Marks.

29. All documents sufficient to identify the goods that are sold, will be sold or are in development to be sold under Plaintiff's Mark, whether or not currently in use in commerce.

30. All documents sufficient to identify any and all former, current or prospective retailers, wholesalers or other sellers and/or distributors and sellers of any of Plaintiff's Goods sold under Plaintiff's Marks.

31. All documents sufficient to identify the geographic regions of the United States in which any of Plaintiff's Goods sold under Plaintiff's Marks are currently offered for sale or will be offered for sale.

32. All documents sufficient to identify any and all domain names registered by or on behalf of Plaintiff incorporating Plaintiff's Marks, including but not limited to applications, registrations, agreements, correspondence and e-mails.

33. Copies of all advertising and promotional materials including, but not limited to, pamphlets, promotional materials, labels, signage, business cards, letterhead or invoices, used in the United States or proposed to be used in the United States, in connection with the sale of

Plaintiff's Goods bearing Plaintiff's Marks.

34. All documents concerning publicity for Plaintiff's Marks in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional literature, whether published in print, broadcast or electronic form.

35. All documents concerning publicity for Plaintiff's Goods in the United States, including but not limited to press releases, brochures, flyers, advertisements and promotional literatures, whether published in print, broadcast or electronic form.

36. All documents concerning promotional events in the United States sponsored by Plaintiff involving Plaintiff's Marks, including but not limited to press and/or launch parties, promotions and social events.

37. All documents concerning consumer recognition of Plaintiff's Marks in the United States.

38. All documents concerning Plaintiff's business, marketing, and advertising plans and strategies for Plaintiff's Goods sold under Plaintiff's Marks, including, but not limited to, and plans to advertise Plaintiff's Goods sold under Plaintiff's Mark on television stations, radio stations, Internet web sites, cable television stations, national television networks, newspapers, magazines, circulars or other media outlets.

39. All documents sufficient to identify Plaintiff's annual expenses in the United States for its business, marketing, advertising and promotional plans, publicity and strategies concerning Plaintiff's Marks from the date of inception to the present.

40. All documents concerning communications with any outside consultants concerning Plaintiff's Mark including but not limited to correspondence to or from publicity

firms, public relations agents, advertising agencies, sales agencies, marketing firms and other consulting firms.

41. Representative samples of each piece of advertising or promotional material or proposed advertising or promotional material showing use of Plaintiff's Marks in connection with Plaintiff's Goods, including a page (if applicable) that identifies the medium and date of publication of such advertisement or promotion.

42. All documents concerning unsolicited media attention in the United States received by Plaintiff in connection with Plaintiff's Marks, including, but not limited to, magazine and newspaper articles, broadcast media and electronic publications in the past 12 years

43. All documents showing, discussing, concerning and/or comparing Plaintiff's Goods to the goods of any competitor or any other person or entity offering goods comparable to Plaintiff's Goods.

44. All documents concerning the intended purchaser(s) of Plaintiff's Goods, bearing Plaintiff's Marks.

45. All documents concerning the licensing or assignment of any trademark, copyright, domain name or contractual rights in Plaintiff's Marks or prospective licensing or assignment of any trademark, copyright or contractual rights for Plaintiff's Marks to any third party.

46. All documents reflecting past, present and potential agents, licensees, joint venture partners, sponsors or promoters, hired by or on behalf of Plaintiff in connection with Plaintiff's Goods offered under Plaintiff's Marks.

47. All documents, including, but not limited to, any studies, reports, analysis, and/or communications prepared by or for Plaintiff, concerning Plaintiff's Goods.

48. All documents concerning any goods in International Class 3 that are offered for sale or sold by any third party and which use the term GAGA or any term substantially similar thereto including, but not limited to, in the name of the product and/or, packaging of the product.

49. All documents concerning Plaintiff's efforts to enforce Plaintiff's Marks.

50. All documents concerning any allegations of infringement of Plaintiff's Marks or lawsuits filed which allege infringement of Plaintiff's Marks, against any individual or entity.

51. All documents concerning Plaintiff's claims in its Petition to Cancel Defendant's Trademark in this Action.

52. All documents concerning any coexistence agreements concerning Plaintiff's Marks to which Plaintiff is a party.

53. All documents reviewed and/or relied upon by Plaintiff in drafting the Petition to Cancel Defendant's Trademark in this Action.

54. All documents sufficient to identify all persons with knowledge or information concerning the subject matter of this Action.

55. All documents sufficient to show Plaintiff's revenue of sale of each of Plaintiff's Goods in Class 3 in the United States each year from the date of first use.

56. All documents concerning registration of the domain names ladygaga.com, hausofgaga.com, ladygagafame.com, atemyheart.com and any other domain name affiliated, associated with and or owned by Plaintiff.

57. All documents concerning any press releases concerning this Action or

the dispute between Plaintiff and Defendant in general.

58. All documents Action or concerning the decision to issue a press release concerning this Action or concerning the dispute between Plaintiff and Defendant in general.

59. All documents sufficient to show use in the United States of Plaintiff's Marks on each item listed in Plaintiff Applications, including invoices and the identifies of each and every purchase of Plaintiff's Goods.

60. All opinion letters Plaintiff received and or solicited concerning the right to file Applications for the LADY GAGA, HAUS OF GAGA and LADY GAGA FAME marks in International Class 3 with the United States Patent and Trademark Office.

61. All documents and things sufficient to support the declarations filed in connection with all of Plaintiff's Goods including but not limited to product samples and retailers of every good declared to be currently in use in commerce under Application Serial No. 85115004.

62. All documents and things sufficient to support the declarations filed in connection with all of Plaintiff's Goods including but not limited to product samples and retailers of every good declared as intent-to-use in commerce under Application Serial No. 85282152.

63. All documents and things sufficient to support the declarations filed in connection with all of Plaintiff's Goods including but not limited to product samples and retailers of every good declared as intent-to-use in commerce under Application Serial No. 85215017.

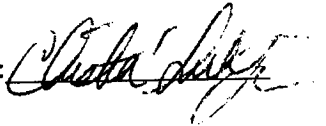
64. All documents and things that Plaintiff intends to rely on during the testimony and trial periods in the Action.

65. For each expert witness Plaintiff intends to call, a copy of such witness's resume, all documents concerning communications between such witness and Defendant, all documents

evidencing any opinion formed by such witness, and all documents relied upon by such witness in forming an opinion as to the substance of such witness' testimony.

Dated: December 5, 2012

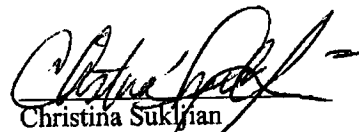
Christina Sukljian

By: 

Owner
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS has been served on Ate My Heart, Inc. by mailing said copy on December 5, 2012 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Defendant at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.


Christina Sukljan
13 Manor Street
Albany, NY 12207

Date of Deposit: December 5, 2012
USPS Priority Mail

EXHIBIT C

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,898,544

Registered Nov. 2, 2004

**TRADEMARK
PRINCIPAL REGISTER**

GAGA PURE PLATINUM

SUKLJIAN, CHRISTINA (UNITED STATES INDIVIDUAL)
13 MANOR STREET
ALBANY, NY 12207

FIRST USE 7-23-2000; IN COMMERCE 6-7-2001.

SER. NO. 76-305,015, FILED 8-27-2001.

FOR: COSMETICS; NAMELY NAIL POLISH, LIP-STICK, LIP-GLOSS, EYE-LINER, LIP-LINER, EYE SHADOW, FACE POWDER, BLUSH, MASCARA, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

BERYL GARDNER, EXAMINING ATTORNEY

Side - 1

**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Jun 5, 2010**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2898544
MARK: GAGA PURE PLATINUM
OWNER: Sukljian, Christina

Side - 2

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